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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/759,475
Filing Date: January 12, 2001
Appellant(s): MCGARVEY, JAMES E.

Pamela R. Crocker
Reg. No. 42,447
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 19, 2006 appealing from the Office action mailed June 16, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

"The All-Digital Camcorder - The Arrival of Electronic Cinematography", by Laurence J. Thorpe et al., SMPTE Journal Vol. 105, No. 1, January 1, 1996, pages 13-30.

5691772	Suzuki	11-1997
5008739	D'Luna et al.	04-1991

6201530 Thadani et al. 03-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3, 4, 6, 9, 12, 15-20, 27-30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorpe et al. ("The All-Digital Camcorder – The Arrival of Electronic Cinematography") in view of Suzuki (U.S. Patent 5,691,772).

Regarding claim **1**, Thorpe et al. discloses a white balance picture correction process implemented in a digital camera having a processor, a memory, and a user interface, comprising the steps of: determining a white balance digital camera processing setting for a picture taking venue at a visit to the venue; saving the setting for the venue; and correcting pictures taken at a subsequent visit to the venue with the saved setting (page 23: col. 1, lines 20-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5); the determining step further comprising capturing an image utilizing the digital camera and processing the captured image in the process of the digital camera to determine the white balance setting (page 22: col. 3, line 16 – page 23: col. 1, line 3); the saving step further comprising storing the white balance setting in the memory of the digital camera in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue (page 24: col. 2, lines 2-6); the memory being configurable to store the determined white balance setting for use in the correcting step (page 23: col. 1, lines 20-26; Fig. 6). However Thorpe et al. fails

to disclose that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings via the user interface of the digital camera.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, wherein the memory being configurable to store the determined white balance setting and at least one additional white balance setting, the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera (Fig. 4; col. 4, lines 57-65). Furthermore, Suzuki discloses having stored the white balance setting in the memory of the digital camera in a file having an identifier (Fig. 4; Fine Weather, Cloudy, Tungsten Lamp, and Fluorescent Lamp), which allows a user of the digital camera to correlate the identifier with the lighting conditions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with only one memory card with several venues on it to free up the user from carrying multiple memory cards. Furthermore, a file identifier is needed once more than one white balance setting is in the same memory as taught by Suzuki and since Thorpe et al. teaches having stored a white balance setting for different venues instead of

different lighting as in Suzuki the file identifiers will be used to identify the venue and not the lighting conditions.

Regarding claim **3**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as disclosing the saving step comprises assigning an identifier to the setting (Thorpe et al.: page 24: col. 2, lines 2-6).

Regarding claim **4**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as disclosing the identifier comprises a file name (Suzuki: col. 4, lines 57-65; Fig. 4, col. 5, line 62 – col. 5, line 32). In Suzuki the different files have to have a filename in order for the user to select which white balancing mode they prefer in the manual mode.

Regarding claim **6**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as the saving step comprises storing the setting in a removable, non-volatile memory (Thorpe et al.: page 23, line 20; Fig. 16).

Regarding claim **9**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the correcting step is performed contemporaneous with taking of the pictures at a venue (Thorpe et al.: page 23: col. 3, line 3 – page 24: col. 1, line 6; when trying to achieve a specific image look the pictures are correcting contemporaneous with the taking of the pictures).

Regarding claim **12**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises an image sharpness setting, a contrast setting, and a colorfulness setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **15**, Thorpe et al. discloses a process implemented in a digital camera having a processor, a memory, and a user interface, comprising the steps of: determining an image processing setting for a picture taking venue; saving the setting for the venue (page 23: col. 1, lines 20-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5); the determining step further comprising capturing an image utilizing the digital camera and processing the captured image in the process of the digital camera to determine the image processing setting (page 22: col. 3, line 16 – page 23: col. 1, line 3); the saving step further comprising storing the image processing setting in the memory of the digital camera in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue (page 24: col. 2, lines 2-6); the memory being configurable to store the determined white balance setting for use in correcting one or more additional captured images (page 23: col. 1, lines 20-26; Fig. 6). However Thorpe et al. fails to disclose that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, the determined white balance setting

being selectable from the plurality of stored white balance settings via the user interface of the digital camera.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, wherein the memory being configurable to store the determined white balance setting and at least one additional white balance setting, the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera (Fig. 4; col. 4, lines 57-65). Furthermore, Suzuki discloses having stored the white balance setting in the memory of the digital camera in a file having an identifier (Fig. 4; Fine Weather, Cloudy, Tungsten Lamp, and Fluorescent Lamp), which allows a user of the digital camera to correlate the identifier with the lighting conditions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with only one memory card with several venues on it to free up the user from carrying multiple memory cards. Furthermore, a file identifier is needed once more than one white balance setting is in the same memory as taught by Suzuki and since Thorpe et al. teaches having stored a white balance setting for different venues instead of different lighting as in Suzuki the file identifiers will be used to identify the venue and not the lighting conditions.

Regarding claim **16**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises a white balance setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **17**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises an image sharpness setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **18**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises an image contrast setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **19**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises an image colorfulness setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **20**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises one of an image white balance setting, an image sharpness setting, a contrast setting, and a colorfulness setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **27**, Thorpe et al. discloses a computer readable storage medium controlling a digital camera via a white balance setting and a file name corresponding to the white balance setting, the storage medium being configurable to store the determined white balance setting determined from images captured by the digital camera at the venues (page 23: col. 1, lines 20-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5; Fig. 6; page 24: col. 2, lines 2-6), each of the white balance settings being stored in a file having a file name which allows a user of the digital camera to correlate the file name with a corresponding one of the venues (page 24: col. 2, lines 2-6), wherein the stored white balance setting is used in correcting one or more additional images captured by the digital camera (page 23: col. 1, lines 20-26; Fig. 6). However Thorpe et al. fails to disclose that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings via the user interface of the digital camera.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, wherein the memory being configurable to store the determined white balance setting and at least one additional white balance setting, the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera (Fig. 4; col. 4, lines

57-65). Furthermore, Suzuki discloses having stored the white balance setting in the memory of the digital camera in a file having an identifier (Fig. 4; Fine Weather, Cloudy, Tungsten Lamp, and Fluorescent Lamp), which allows a user of the digital camera to correlate the identifier with the lighting conditions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with only one memory card with several venues on it to free up the user from carrying multiple memory cards. Furthermore, a file identifier is needed once more than one white balance setting is in the same memory as taught by Suzuki and since Thorpe et al. teaches having stored a white balance setting for different venues instead of different lighting as in Suzuki the file identifiers will be used to identify the venue and not the lighting conditions.

Regarding claim **28**, Thorpe et al. discloses a digital camera, comprising: a sensor capturing images in an initial visit to a venue and a subsequent visit to the venue (Fig. 10); a lens for imaging light onto the sensor; a white balance determination processing unit determining a white balance correction value from a captured image of the initial visit; a memory storing the white balance correction value from the initial visit; and a white balance correction processing unit applying the white balance correction value to the captured image of the subsequent visit producing a white balance corrected image (page 23: col. 1,

lines 20-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5); wherein the white balance correction value is stored in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue (page 24: col. 2, lines 2-6); the memory being configurable to store the determined white balance setting for use in the correcting step (page 23: col. 1, lines 20-26; Fig. 6). However Thorpe et al. fails to disclose that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings via the user interface of the digital camera.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, wherein the memory being configurable to store the determined white balance setting and at least one additional white balance setting, the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera (Fig. 4; col. 4, lines 57-65). Furthermore, Suzuki discloses having stored the white balance setting in the memory of the digital camera in a file having an identifier (Fig. 4; Fine Weather, Cloudy, Tungsten Lamp, and Fluorescent Lamp), which allows a user of the digital camera to correlate the identifier with the lighting conditions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that

more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with only one memory card with several venues on it to free up the user from carrying multiple memory cards. Furthermore, a file identifier is needed once more than one white balance setting is in the same memory as taught by Suzuki and since Thorpe et al. teaches having stored a white balance setting for different venues instead of different lighting as in Suzuki the file identifiers will be used to identify the venue and not the lighting conditions.

Furthermore, Official Notice is taken that it is well known in the art to take still pictures with a camcorder. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this camcorder with the option of taking continuous or still images in order to make this camcorder a more versatile camcorder.

Regarding claim **29**, Thorpe et al. discloses a digital camera, comprising: a sensor capturing images (Fig. 10); a lens for imaging light onto the sensor; a white balance determination processing unit determining white balance correction values from a captured images; a memory storing the white balance correction value; and a white balance correction processing unit applying a selected the white balance correction value to a plurality of captured images producing white balance correcting images (page 23: col. 1, lines 20-24 and 32-36; page 24: col. 1, line 7 – col. 3, line 11; Table 5). However Thorpe et al. fails to disclose a memory storing a plurality of the white balance correction values; a

selector choosing one of the plurality of white balance correction values; and wherein the camera comprises a user interface for naming the plurality of white balance correction values and for selecting from among a plurality of named white balance correction values.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, comprising a memory storing a plurality of the white balance correction values (Fig. 4; col. 4, lines 57-65); a selector choosing one of the plurality of white balance correction values (Fig. 4); a white balance correction processing unit applying a selected one of the white balance correction values to a plurality of captured images producing white balance corrected images; wherein the camera comprises a user interface for selecting from among a plurality of named white balance correction values.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with only one memory card with several venues on it to free up the user from carrying multiple memory cards. Furthermore, a file identifier is needed once more than one white balance setting is in the same memory as taught by Suzuki and since Thorpe et al. teaches having stored a white balance setting for different venues instead of different lighting as in Suzuki the file identifiers will be used to identify the venue and not the lighting conditions. However, Thorpe et al. in view of Suzuki fail to

disclose the camera comprising a user interface for naming the plurality of white balance correction values.

Official Notice is taken that a camera comprises a user interface for naming the plurality of white balance correction values. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added a user interface for naming the plurality of white balance correction values to the camera disclosed by Thorpe in view of Suzuki so that the file is easily recognizable and allows the user to choose the correct setting the user desires to obtain a better picture quality.

Furthermore, Official Notice is taken that it is well known in the art to take still pictures with a camcorder. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this camcorder with the option of taking continuous or still images in order to make this camcorder a more versatile camcorder.

Regarding claim **30**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the memory comprises a non-volatile removable memory card that can be used to transfer correction value to other devices (Thorpe et al.: page 23: col. 1, line 39 – col. 2, line 4).

Regarding claim **32**, Thorpe et al. discloses a digital camera, comprising: a sensor capturing images (Fig. 10); a lens for imaging light onto the sensor; a memory storing the white balance correction value; and a white balance

correction processing unit applying the white balance correction value to a plurality of captured images producing white balance correcting images (page 23: col. 1, lines 20-24 and 32-36; page 24: col. 1, line 7 – col. 3, line 11; Table 5). However Thorpe et al. fails to disclose a memory storing a plurality of the white balance correction values; a selector operable by a user in choosing one of the plurality of white balance correction values; and wherein the camera comprises a user interface for naming the plurality of white balance correction values and for selecting from among a plurality of named white balance correction values.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, comprising a memory storing a plurality of the white balance correction values (Fig. 4; col. 4, lines 57-65); a selector operable by a user in choosing one of the plurality of white balance correction values (Fig. 4); a white balance correction processing unit applying a selected one of the white balance correction values to a plurality of captured images producing white balance corrected images; wherein the camera comprises a user interface for selecting from among a plurality of named white balance correction values.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with only one memory card with several venues on it to free up the user from carrying multiple memory

cards. Furthermore, a file identifier is needed once more than one white balance setting is in the same memory as taught by Suzuki and since Thorpe et al. teaches having stored a white balance setting for different venues instead of different lighting as in Suzuki the file identifiers will be used to identify the venue and not the lighting conditions. However, Thorpe et al. in view of Suzuki fail to disclose the camera comprising a user interface for naming the plurality of white balance correction values.

Official Notice is taken that a camera comprises a user interface for naming the plurality of white balance correction values. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added a user interface for naming the plurality of white balance correction values to the camera disclosed by Thorpe in view of Suzuki so that the file is easily recognizable and allows the user to choose the correct setting the user desires to obtain a better picture quality.

Furthermore, Official Notice is taken that it is well known in the art to take still pictures with a camcorder. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this camcorder with the option of taking continuous or still images in order to make this camcorder a more versatile camcorder.

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorpe et al. in view of Suzuki as applied to claim 1 above, and further in view of D'Luna et al. (U.S. Patent 5,008,739).

Regarding claim **2**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1, except that the determining step uses a white balance reference card in a scene of the venue.

Referring to the D'Luna et al. reference, D'Luna et al. discloses a determining step in white balance processing that uses a white balance reference card in a scene of the venue (col. 5, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of D'Luna et al. with Thorpe et al. in view of Suzuki because it is well known in the art to use a white balance reference card for a white balancing process.

Regarding claim **14**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1, except that the determining step comprises determining the white balance digital camera processing setting for the picture taking venue at a visit thereto using a white balance reference card positioned in a venue scene.

Referring to the D'Luna et al. reference, D'Luna et al. discloses a determining step in white balance processing that uses a white balance reference card in a scene of the venue (col. 5, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of D'Luna et al. with Thorpe et al. in view of Suzuki because it is well known in the art to use a white balance reference card in a scene of a venue for white balance processing.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorpe et al. in view of Suzuki as applied to claim 1 above, and further in view of Thadani et al. (U.S. Patent 6,201,530).

Regarding claim **13**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1, except that the setting further comprises a color correction matrix.

Referring to the Thadani et al. reference, Thadani et al. discloses a digital camera wherein the color correction matrix is part of the settings used to correct the image (Fig. 4B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have saved the setting further comprising a color correction matrix in order to allow for a faster camera set up time the next time the user visits the venue.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorpe et al. ("The All-Digital Camcorder – The Arrival of Electronic Cinematography") in view of D'Luna et al. (U.S. Patent 5,008,739).

Regarding claim **21**, Thorpe et al. discloses a process, comprising the steps of: determining, in a digital camera, image processing settings for picture taking venues during initial visits to the venues; assigning file name identifiers to the settings (page 24: col. 2, lines 2-6); saving the settings in a removable, non-volatile memory of the digital camera using the file name identifiers where at least one of the settings comprises an image white balance setting, an image

sharpness setting, a contrast setting, and a colorfulness setting (page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5; Fig. 16); and correcting pictures taken at a venues in subsequent visits to the venues, in the digital camera, with the saved settings contemporaneous with taking of the pictures at the venue (page 23: col. 1, lines 20-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5; page 23: col. 3, line 3 – page 24: col. 1, line 6; when trying to achieve a specific image look the pictures are correcting contemporaneous with the taking of the pictures). However Thorpe et al. fails to disclose that the determining step comprises determining the white balance digital camera processing setting for the picture taking venue at a visit thereto using a white balance reference card positioned in a venue scene and that the file name identifiers are assigned via a user interface of the digital camera.

Referring to the D'Luna et al. reference, D'Luna et al. discloses a determining step in white balance processing that uses a white balance reference card in a scene of the venue (col. 5, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of D'Luna et al. with Thorpe et al. because it is well known in the art to use a white balance reference card in a scene of a venue for white balance processing. However, Thorpe et al. in view of D'Luna et al. fail to disclose the camera comprising a user interface for assigning file name identifiers to the settings.

Official Notice is taken that a camera comprises a user interface for assigning file name identifiers to the settings. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added a user interface for naming the plurality of white balance correction values to the camera disclosed by Thorpe in view of D'Luna et al. so that the file is easily recognizable and allows the user to choose the correct setting the user desires to obtain a better picture quality.

(10) Response to Argument

The Appellant argues on Page 8, lines 26-30 that the Examiner fails to establish a proper prima facie case of obviousness in the § 103(a) rejection of 1, 6, 9 and 12 over Thorpe and Suzuki, in that these references collectively fail to teach or suggest all the claim limitations, and in that no cogent motivation has been identified for combining or modifying the reference teachings to reach the claimed invention. In particular the Appellant argues on Page 10, line 29 – Page 11, line 2 that it is clear that in Suzuki there is no storage of white balance settings for particular venues as set forth in claim 1. The Examiner agrees that in Suzuki there is no storage of white balance settings for particular venues. However, the Examiner respectfully disagrees that the Examiner fails to establish a proper prima facie case of obviousness in the § 103(a) rejection of 1, 6, 9 and 12 over Thorpe and Suzuki, in that these references collectively fail to teach or suggest all the claim limitations, and in that no cogent motivation has been identified for combining or modifying the reference teachings to reach the

claimed invention. Thorpe et al. discloses determining and storing a white balance setting for a particular picture taking venue on a removable memory in order to eliminate "video-tweaking" during location shootings (page 22: col. 3, line 16 - page 23: col. 1, line 3; page 23: col. 1, lines 20-26; page 24: col. 2, lines 2-6). However, Thorpe et al. stores each venue on a different memory card. Suzuki is only relied upon to disclose storing more than one white balance setting in a memory (Fig. 4; col. 4, lines 57-65; col. 5, lines 10-23). Therefore, the combination of Thorpe et al. and Suzuki discloses storing more than one white balance setting according to different venues in the same memory. The motivation for combining these two references are to allow the memory card in Thorpe et al. to store more than one white balance setting instead of only one so that the user would not have to carry more than one memory card with them to different venues, which would make the system more efficient as well.

The Appellant argues on Page 13, lines 23-30 that the proposed combination of Thorpe et al. and Suzuki fails to meet the limitations of claim 3. The Examiner respectfully disagrees. Claim 3 recites, "wherein said saving step comprises assigning an identifier to the setting". Thorpe et al. discloses that each memory card is appropriately identified (page 24: col. 2, lines 2-6). Furthermore, Suzuki discloses in Fig. 4 each white balance setting being properly identified as well. Therefore, Thorpe et al. in view of Suzuki meet the claim limitations.

The Appellant argues on Page 14, lines 2-10 that there is no assignment of file names in the Suzuki arrangement and that the proposed combination of Thorpe et al. and Suzuki fails to meet the claim 4 limitation. The Examiner respectfully disagrees. Claim 4 recites, "wherein said identifier comprises a file name". In Suzuki the different file white balance settings have to have a filename in order for the user to select which white balancing mode the user would prefer (Fig. 4; col. 4, line 57 – col. 5, line 32). Therefore, Thorpe et al. in view of Suzuki meet the claim limitations.

The Appellant argues on Page 15, line 29 – page 16, line 7 that that there is no teaching or suggestion in the proposed combination of Thorpe et al. and Suzuki regarding a user interface which allows both naming of and selecting from white balance correction values, as recited. The Examiner agrees that there is no teaching or suggestion in the proposed combination of Thorpe et al. and Suzuki regarding a user interface which allows both naming of and selecting from white balance correction values. However, the Examiner took Official Notice that a camera comprises a user interface for naming the plurality of white balance correction values. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added a user interface for naming the plurality of white balance correction values to the camera disclosed by Thorpe in view of Suzuki so that the file is easily recognizable and allows the user to choose the correct setting the user desires to obtain a better picture quality.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Heather R Jones.

Examiner

Art Unit 2621

HRJ

October 16, 2006

Conferees:

Thai Tran, SPE

THAI Q. TRAN
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